

REMARKS

Claims 3 and 5-13 are pending in the present application.

The claims have been amended to more particularly point out and distinctly claim applicants' invention. New claims 9-13 reproduce claims 3 and 5-8, except that new independent claim 9 adds a single new limitation to the subject matter of pending claim 8. Claim 9 requires that the pawl travel downward with respect to the latch when moving along the second linear path as the latch is being opened. This amendment is fully supported by the application as filed and presents no new matter. In particular, the amendment is expressly supported in the specification at page 2, lines 34-36, at page 8, lines 4-8, and at page 11, lines 5-11), and in the drawings (e.g. cf. Fig. 4 (pawl in closed position – up) with Figs. 25 and 26 (pawl in open position - down).

Applicants gratefully note that in response to applicants' arguments submitted in the Appeal Brief on March 7, 2005, the Examiner has withdrawn (a) the rejection of claims 3, 5, 6, 7 and 8 previously entered under 35 U.S.C. 102(b) over U.S. Patent 4,858,970 ("Tedesco"); (b) the same invention-type double patenting rejection of claims 3, 5 and 8 over U.S. Patent 6,527,307; and (c) the rejection of 3 and 5-7 under 35 U.S.C. 112, second paragraph.

However, the Examiner has entered a new rejection pursuant to the judicially created doctrine of obviousness-type double patenting over U.S. Patent 6,527,307, and has maintained his rejection of claims 3 and 5-8 over U.S. Patent 5,201,557 over Schlack.

A terminal disclaimer accompanies this response.

Applicants respectfully traverse the obviousness-type double patenting rejection entered over U.S. Patent 6,527,307 in view of the accompanying terminal disclaimer, and respectfully request reconsideration and withdrawal of the rejection for this reason.

Claims 3 and 5-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,201,557 ("Schlack"). This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner states that regarding claim 8, Schlack discloses a linear compression latch comprising a housing (110); a lever handle (50) rotatable by an operator between a first position and a second position and being mounted in the housing; and a pawl (94 and 96) mounted for substantially linear motion and actuated by rotation of the lever handle and traveling substantially linearly between an open position to a closed position as the lever handle is rotated between the first position to second position (Figures 3 and 5).

The Examiner further states that the pawl is mounted to travel between the open position along a first path and an intermediate position (the open position is where element 94 is located in Figure 3 to a position next to the edge of the keeper 99, i.e, the intermediate position) and is mounted to travel in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position (from a position next to the edge of the keeper 99, i.e., the intermediate position and the position where 94 is located in Figure 5).

The Examiner further states that as to claim 3, Schlack discloses that the first path is linear, and that as to claim 5, Schlack discloses that the second path is linear. The Examiner also states that as to claim 6, Schlack discloses that the latch further comprises a carriage (80) that is mounted for linear motion within the housing (110) and that the pawl is mounted within the carriage, and that as to claim 7, Schlack discloses that the latch further comprises connection means (59 and 61) for rotatably connecting the lever handle and the pawl.

As previously argued, Schlack does not anticipate the presently claimed invention because Schlack does not disclose each and every limitation of the presently claimed invention.

In particular, Schlack does not disclose a linear compression latch wherein the pawl is mounted for travel in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position.

As previously argued, while the "pawl" 94/96 *appears* to trace out an "S"-shaped path when the slide fastener 10 is closed or opened, this occurs only if the frame 120 is taken as the point of reference. The door 110 is drawn towards the frame 120 as the slide fastener 10 is closed, and it is this "linear path" that the Examiner has identified with the "second path" recited in the final clause of independent claim 8. If the handle assembly 14 or the door 110 is taken as the point of reference, the pawl 94/96 is constrained to move in a strictly linear manner when the slide fastener 10 is opened or closed. The pawl 94/96 is "mounted for travel" with respect to the handle assembly 14 in a strictly linear manner. The Examiner's construction of claim 8 ignores the limitation that the pawl must be mounted for travel in a second path in a direction substantially perpendicular to the first path. Since claim 8 includes this limitation, which is not met by the cited reference, Schlack cannot and does not anticipate the presently claimed invention.

Further, the "second path" that the Examiner has identified in Schlack fails to meet the limitations of claim 8. In particular, the "second path" in which the pawl 94/96 travels from the "intermediate position" adjacent to the keeper to the closed position shown in Figure 5 is not substantially linear as is required by the claim. The roller 96 must follow the curved camming surface of the second leg 99 of the keeper 98 (Figure 5 and column 5, lines 3-11) as the pawl 94./96 moves from the intermediate position to the closed position.

Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) over Schlack are respectfully requested for these reasons.

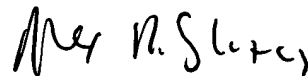
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Further, the presently claimed invention is not obvious over Schlack. There is nothing in Schlack that discloses or would suggest applicants' presently claimed invention to one of ordinary skill in the art.

New claims 9-13 are believed to patentably distinguish over Schlack. In Schlack, as the slide fastener 10 is closed, the pawl 94/96 travels "downward" with respect to the door frame 120 (cf. Figures 3 and 5). In contrast, when the presently claimed compression latch is closed, the pawl travels upwards (page 11, lines 8-11), exactly the opposite of Schlack's pawl's motion.

As the application is now believed to be in condition for allowance, early favorable action and an early notice of allowance are respectfully requested.

Respectfully submitted,



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